

FILED

10/10/2007

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOISAUG 4 2008  
AUG 4, 2008MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURTIN FORMA PAUPERIS APPLICATION  
AND  
FINANCIAL AFFIDAVITMiguel Rivera #64650.  
Plaintiff

v.

Edward Fiala  
Defendant(s)CASE NUMBER 08-C-3848JUDGE JAMES F. HOLDERMAN,

Wherever ☐ is included, please place an X into whichever box applies. Wherever the answer to any question requires more information than the space that is provided, attach one or more pages that refer to each such question number and provide the additional information. Please PRINT:

I, Miguel Rivera #64650, declare that I am the ☒ plaintiff ☒ petitioner ☐ movant (other than) in the above-entitled case. This affidavit constitutes my application ☒ to proceed without full prepayment of fees, or ☒ in support of my motion for appointment of counsel, or ☒ both. I also declare that I am unable to pay the costs of these proceedings, and that I am entitled to the relief sought in the complaint/petition/motion/appeal. In support of this petition/application/motion/appeal, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? ☒ Yes ☐ No (If "No," go to Question 2)  
I.D. # 64650 Name of prison or jail: Penitentiary of New Mexico.  
Do you receive any payment from the institution? ☐ Yes ☒ No Monthly amount: N/A
2. Are you currently employed? ☐ Yes ☒ No  
Monthly salary or wages: N/A  
Name and address of employer: N/A
  - a. If the answer is "No":  
Date of last employment: 12-8-00  
Monthly salary or wages: \$350.00 Hr.  
Name and address of last employer: City Transfer I can't remember.
  - b. Are you married? ☐ Yes ☒ No  
Spouse's monthly salary or wages: \_\_\_\_\_  
Name and address of employer: \_\_\_\_\_
3. Apart from your income stated above in response to Question 2, in the past twelve months have you or anyone else living at the same residence received more than \$200 from any of the following sources? Mark an X in either "Yes" or "No", and then check all boxes that apply in each category.
  - a. Salary or wages ☐ Yes ☒ No  
Amount \_\_\_\_\_ Received by \_\_\_\_\_

- b. ☐ Business, ☐ profession or ☐ other self-employment ☐ Yes ☒ No  
Amount \_\_\_\_\_ Received by \_\_\_\_\_
- c. ☐ Rent payments, ☐ interest or ☐ dividends ☐ Yes ☒ No  
Amount \_\_\_\_\_ Received by \_\_\_\_\_
- d. ☐ Pensions, ☐ social security, ☐ annuities, ☐ life insurance, ☐ disability, ☐ workers' compensation, ☐ unemployment, ☐ welfare, ☐ alimony or maintenance or ☐ child support ☐ Yes ☒ No  
Amount \_\_\_\_\_ Received by \_\_\_\_\_
- e. ☐ Gifts or ☐ inheritances ☐ Yes ☒ No  
Amount \_\_\_\_\_ Received by \_\_\_\_\_
- f. ☐ Any other sources (state source: \_\_\_\_\_) ☐ Yes ☒ No  
Amount \_\_\_\_\_ Received by A friend use to help BUT NO MORE.  
TOM FILKOVIC/Myx wife  
MARIA SPANEC
4. Do you or anyone else living at the same residence have more than \$200 in cash or checking or savings accounts? ☐ Yes ☒ No Total amount: \_\_\_\_\_  
In whose name held: \_\_\_\_\_ Relationship to you: \_\_\_\_\_
5. Do you or anyone else living at the same residence own any stocks, bonds, securities or other financial instruments? ☐ Yes ☒ No  
Property: \_\_\_\_\_ Current Value: \_\_\_\_\_  
In whose name held: \_\_\_\_\_ Relationship to you: \_\_\_\_\_
6. Do you or anyone else living at the same residence own any real estate (houses, apartments, condominiums, cooperatives, two-flats, three-flats, etc.)? ☐ Yes ☒ No  
Address of property: \_\_\_\_\_  
Type of property: \_\_\_\_\_ Current value: \_\_\_\_\_  
In whose name held: \_\_\_\_\_ Relationship to you: \_\_\_\_\_  
Amount of monthly mortgage or loan payments: \_\_\_\_\_  
Name of person making payments: \_\_\_\_\_
7. Do you or anyone else living at the same residence own any automobiles, boats, trailers, mobile homes or other items of personal property with a current market value of more than \$1000? ☐ Yes ☒ No  
Property: N/A  
Current value: \_\_\_\_\_  
In whose name held: \_\_\_\_\_ Relationship to you: \_\_\_\_\_
8. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute monthly to their support. If none, check here ☐ No dependents  
My sons, Orlanzo J. Rivera, Adam M. Rivera,  
and My Grandson, Adam M. Rivera,

I declare under penalty of perjury that the above information is true and correct. I understand that pursuant to 28 U.S.C. § 1915(e)(2)(A), the court shall dismiss this case at any time if the court determines that my allegation of poverty is untrue.

Date: 7-22-08

Miguel Rivera #64650  
Signature of Applicant

Miguel Rivera #64650  
(Print Name)

**NOTICE TO PRISONERS:** A prisoner must also attach a statement certified by the appropriate institutional officer or officers showing all receipts, expenditures and balances during the last six months in the prisoner's prison or jail trust fund accounts. Because the law requires information as to such accounts covering a full six months before you have filed your lawsuit, you must attach a sheet covering transactions in your own account--prepared by each institution where you have been in custody during that six-month period--and you must also have the Certificate below completed by an authorized officer at each institution.

#### CERTIFICATE

(Incarcerated applicants only)

(To be completed by the institution of incarceration)

I certify that the applicant named herein, Miguel Rivera, I.D.# 64650, has the sum of \$ .119 on account to his/her credit at (name of institution) The Penitentiary of NM

\* I further certify that the applicant has the following securities to his/her credit: 746. I further certify that during the past six months the applicant's average monthly deposit was \$ 14.00.  
Discharge Act

(Add all deposits from all sources and then divide by number of months)

7/29/08  
DATE

[Signature]  
SIGNATURE OF AUTHORIZED OFFICER

Evelyn Abeyta Fin. Spec.  
(Print name)

\* Discharge Act - Monies cannot be used until inmate leaves facility.

Copies of Statements enclosed

rev. 10/10/2007

Date 07/29/2008

New Mexico Corrections Department  
Inmate Trust Accounting  
**Account Transaction History**  
From 01/01/2008 To 07/29/2008

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Offender Name		NMCD # Account Description		Account Number
RIVERA, MIGUEL		64650 INMATE REGULAR SPENDING		33955
Transaction ID	Date	Description	Amount	Balance
	01/01/2008	Beginning Balance		.17
1017003	02/11/2008	Cash Receipt - RIVERA, MARIA S	85.00	85.17
1023998	02/18/2008	Commissary Purchase; Invoice 9	-24.75	60.42
1025331	02/22/2008	Commissary Purchase; Invoice 9	-7.60	52.82
1028037	03/10/2008	Commissary Purchase; Invoice 9	-2.70	50.12
1039337	03/24/2008	Check 535975 - ACCESS CATALOG COMPANY	-22.19	27.93
1039338	03/24/2008	Check 535976 - MUSIC BY MAIL	-21.45	6.48
1039563	03/25/2008	Void Check 535976 - MUSIC BY MAIL	21.45	27.93
1039564	03/25/2008	Void Check 535975 - ACCESS CATALOG COMPANY	22.19	50.12
1039750	03/25/2008	Check 536109 - ACCESS CATALOG COMPANY	-22.19	27.93
1039758	03/25/2008	Check 536117 - MUSIC BY MAIL	-21.45	6.48
1040505	03/31/2008	CNMCF-NC/8-124 POSTAGE CHARGE 03-31-08	-.48	6.00
1040505	03/31/2008	CNMCF-NC/8-124 POSTAGE CHARGE 03-31-08	-.48	5.52
1041824	04/07/2008	Commissary Purchase; Invoice 9	-5.50	.02
1048359	04/14/2008	Cash Receipt - RIVERA, MARIA S	130.00	130.02
1053442	04/21/2008	Commissary Purchase; Invoice 9	-34.26	95.76
1054509	04/25/2008	Commissary Purchase; Invoice 9	-24.10	71.66
1058402	05/12/2008	Commissary Purchase; Invoice 9	-11.50	60.16
1058643	05/12/2008	Check 536684 - JACK L MARCUS INC	-56.00	4.16
1067290	05/20/2008	Commissary Purchase; Invoice 9	-3.30	.86
1067909	05/22/2008	Commissary Purchase; Invoice 9	-.75	.11
	07/29/2008	Ending Balance		.11

Date 07/29/2008

New Mexico Corrections Department  
Inmate Trust AccountingPage 1 of 1  
abete783**Account Transaction History**  
From 01/01/2008 To 07/29/2008

Offender Name		NMCD # Account Description		Account Number
RIVERA, MIGUEL		64650 DISCHARGE MONEY		33956
Transaction ID	Date	Description	Amount	Balance
	01/01/2008	Beginning Balance		7.76
	07/29/2008	Ending Balance		7.76